

THE FRANK LAW FIRM P.C.
Counsel to Steven Ng and Wilson Ng
333 Glen Head Road, Suite 145
Old Brookville, New York 11545
P: (516) 246-5577
F: (516) 246-5597
Thomas J. Frank, Esq.
thomas@frankfirmnpc.com

Hearing Date: August 17, 2023
Time: 10:00 a.m.

Objection Due Date: August 10, 2023

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 11

26 BOWERY LLC AND
2 BOWERY HOLDING LLC,

Case No.:
22-10412 (MG) and
22-10413 (MG)
(jointly administered)

Debtors.

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**APPLICATION OF THE FRANK LAW FIRM P.C. TO
WITHDRAW AS COUNSEL FOR STEVEN NG AND WILSON NG**

**TO: THE HONORABLE MARTIN GLENN
CHIEF UNITED STATES BANKRUPTCY JUDGE**

The Frank Law Firm P.C. (the "Firm"), as counsel to Steven Ng and Wilson Ng (collectively, the "Clients"), respectfully submits this as and for the Firm's application (the "Application") seeking the entry of an Order, substantially in the form of the proposed order annexed hereto, authorizing the Firm to be relieved as counsel of record to the Clients. In support of this Application, the Firm respectfully states as follows:

BACKGROUND

A. Debtors' Bankruptcy Filing

1. On March 31, 2022, 26 Bowery LLC (22-10412-mg) and 2 Bowery Holding LLC (22-10413-mg) (collectively, the "Debtors") each filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code").

2. On April 5, 2022, the Court entered an Order directing joint administration of the Debtors' bankruptcy proceedings under Case No. 22-10412.

B. The Clients' Retention of the Firm

3. Following commencement of these proceedings, the Firm was retained to represent the Clients in connection with the Bankruptcy Rule 2004 examinations ordered by this Court.

4. On May 9, 2022, the Firm appeared in this proceeding as counsel to the Client (Dkt 27).

5. In March 2023, the Clients provided the Firm with authority to negotiate a settlement between the Clients, the Debtors, and the creditors secured to the real estate owned by the Debtors. However, following this authority, the Clients failed to respond to the Firm's attempts at communication for weeks at a time. Indeed, in late April 2023, substantive communications between the Firm and the Clients stopped.

6. Accordingly, and for the reasons set forth below, the Firm is compelled to file this Application.

RELIEF REQUESTED

7. By this Application, the Firm seeks an order withdrawing as attorney of record for the Clients.

LEGAL STANDARD

8. Rule 1.16(c)(7) of the New York Rules of Professional Conduct provides that an attorney may withdraw from the representation of a client when “the client fails to cooperate in the representation or otherwise renders the representation unreasonably difficult for the lawyer to carry out employment effectively.” Rule 1.16(c)(7) of the New York Rules of Professional Conduct.

9. S.D.N.Y. LBR 2090-1(e) provides “[a]n attorney who has appeared as attorney of record may withdraw or be replaced only by order of the Court for cause shown.”

DISCUSSION

10. In this case, cause exists to permit the Firm to withdraw as counsel as there has been an irreparable breakdown of the attorney-client relationship such that it is no longer feasible for the Firm to represent the Clients.

11. Specifically, the Clients have refused to communicate with the Firm on a consistent or substantive basis, rendering representation of the Clients ineffective.

12. It is for these reasons that the Firm seeks the entry of an order authorizing the Firm to be relieved as counsel of record to the Clients.

NO PRIOR REQUEST

19. No prior application for the relief requested herein has been made to this or to any other Court.

WHEREFORE, The Frank Law Firm P.C. seeks the entry of an Order: (i) authorizing the Firm to be relieved as counsel of record to the Clients; together with (ii) such other, further and different relief that this Honorable Court deems just, proper and equitable under the facts and circumstances herein.

Dated: July 30, 2023
Old Brookville, New York

THE FRANK LAW FIRM P.C.
Attorneys for Steven Ng and Wilson Ng

By: /s/Thomas J. Frank
Thomas J. Frank, Esq.
333 Glen Head Road, Suite 145
Old Brookville, New York 11545
P: (516) 246-5577
F: (516) 246-5597 (For court use only)
Em: thomas@frankfirmnpc.com